

REMARKS

Claims 2-7, 9-13, 15-18, 20-25, 27-30, and 32-39 are pending in the present application.

In the office action mailed May 5, 2004 (the "Office Action"), claims 1-39 are listed by the Examiner as pending in the current application, with claims 1, 8, 14, 19, 26, and 31 withdrawn from consideration. However, claims 1, 8, 14, 19, 26, and 31 were *cancelled* in a previously filed response to office action dated March 5, 2003. The Examiner is requested to provide confirmation of the currently pending claims in light of the cancellation of claims 1, 8, 14, 19, 26, and 31. Further in the Office Action, claims 2-7, 9-13, 15-18, 20-25, 27-30, and 32-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,252,612 to Jeddelloh (the "Jeddelloh patent") in view of U.S. Patent No. 5,357,621 to Cox (the "Cox patent").

The rejection of claims 2-7, 9-13, 15-18, 20-25, 27-30, and 32-39 under 35 U.S.C. 103(a) must be withdrawn because the Jeddelloh patent, which as will be explained in more detail below, cannot be relied upon as prior art in supporting a rejection under 35 U.S.C. 103(a), in view of 35 U.S.C. 103(c). 35 U.S.C. 103(c) states:

“(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under [section 103] where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

The Jeddelloh patent was filed on December 30, 1997, prior to the filing of the present application, and was granted on June 26, 2001. Therefore, the Jeddelloh patent qualifies as prior art under 35 U.S.C. 102(e)(2).

With respect to common ownership, both the Jeddelloh patent and the present application were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person, namely, Micron Technology, Inc. The Jeddelloh patent shows Micron Electronics, Inc. as the Assignee on the patent cover page. The Jeddelloh patent, however, was assigned to Micron Technology, Inc. on March 17, 2000 and recorded at

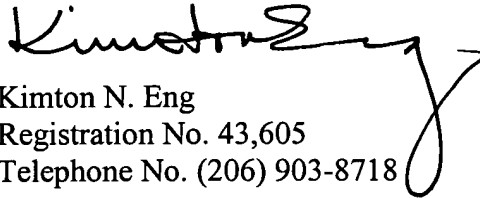
Reel/Frame number 010898/0428 on June 28, 2000. Assignment of the present application to Micron Technology, Inc. is recorded at Reel/Frame number 010895/0683 on June 23, 2000.

Therefore, under 35 U.S.C. 103(c), the rejection of claims 2-7, 9-13, 15-18, 20-25, 27-30, and 32-39 under 35 U.S.C. 103(a) as being unpatentable over the Jeddeloh patent in view of the Cox patent, cannot be maintained, and consequently, must be withdrawn.

All of the claims pending in the present application are in condition for allowance. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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Enclosures:

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Fee Transmittal Sheet (+ copy)

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